

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gary Lee Johnson,

File No. 20-cv-2360 (ECT/HB)

Petitioner,

v.

ORDER

State of Minnesota,

Respondent.

Magistrate Judge Hildy Bowbeer issued a Report and Recommendation on August 10, 2021. ECF No. 59. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 59] is **ACCEPTED**.
2. Respondent's Motion to Dismiss [ECF No. 28] is **GRANTED**.
3. The Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus [ECF No. 1] is **DENIED** with prejudice.
4. Petitioner Gary Lee Johnson's discovery requests [ECF Nos. 47, 55, 57] and letters seeking additional time to conduct discovery [ECF Nos. 50, 51] are **DENIED**.

5. No certificate of appealability will issue.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2021

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court